

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

11 QUINNELL JOHNSON,

12 Plaintiff,

13 v.

14 CASTILLO, *et al.*,

15 Defendants.

Case No. 1:22-cv-00637-BAM (PC)

ORDER GRANTING DEFENDANT'S
REQUEST FOR JUDICIAL NOTICE
(ECF No. 23-1)

ORDER LIFTING STAY OF PROCEEDINGS
PENDING RESOLUTION OF STATE
CRIMINAL MATTER
(ECF No. 20)

ORDER DIRECTING DEFENDANT TO FILE
RESPONSIVE PLEADING

TWENTY-ONE (21) DAY DEADLINE

20 Plaintiff Quinnell Johnson (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma
pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against
21 Defendant Castillo (“Defendant”) for excessive force in violation of the Eighth Amendment.
22

23 On January 18, 2023, the Court granted Defendant’s motion for a stay of proceedings
24 pending resolution of Plaintiff’s pending criminal matter in the Kings County Superior Court,
25 *People v. Quinnell Johnson*, Case No. 21CM-2856. (ECF No. 20.) Pursuant to that order,
26 Defendant filed a status report on April 18, 2023, indicating that the criminal action was resolved
27 on March 1, 2023. (ECF No. 23.)

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1 Defendant requests that the Court take judicial notice of the following documents:
2 (1) Criminal Complaint in *People v. Quinnell Johnson*, Kings County Superior Court case
3 number 21CM-2856, dated May 27, 2021, for battery upon a non-confined person; and (2) Kings
4 County Superior Court minute order dated March 1, 2023 outlining the details of Plaintiff's plea
5 agreement and resulting sentence in 21CM-2856. (ECF No. 23-1, Exhs. 1-2.)

6 Federal Rule of Evidence 201 permits the Court to take judicial notice at any time. A
7 judicially noticed fact must be one not subject to reasonable dispute in that it is either:
8 (1) generally known within the territorial jurisdiction of the trial court; or (2) capable of accurate
9 and ready determination by resort to sources who accuracy reasonably cannot be questioned.
10 Fed. R. Evid. 201(b). Courts may take judicial notice of facts related to the case before it.
11 *Amphibious Partners, LLC v. Redman*, 534 F.3d 1357, 1361-62 (10th Cir. 2008) (district court
12 was entitled to take judicial notice of its memorandum of order and judgment from previous case
13 involving same parties). This Court may judicially notice the records and filing of other court
14 proceedings. *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007); *Bennett v.*
15 *Medtronic, Inc.*, 285 F.3d 801, 802 n.2 (9th Cir. 2002). In addition, a court may take judicial
16 notice of undisputed matters of public record, including papers filed with the court and the
17 records of state agencies and administrative bodies. *Disabled Rights Action Comm. v. Las Vegas*
18 *Events, Inc.*, 375 F.3d 861, 866 n.1 (9th Cir. 2004); *Lundquist v. Cont'l Cas. Co.*, 394 F. Supp. 2d
19 1230, 1242-42 (C.D. Cal. 2005) (stating that court may take judicial notice of records and reports
20 of administrative bodies).

21 Because the Court may take judicial notice of public records, including duly recorded
22 documents under Rule 201(b)(2), Defendant's request to take judicial notice of the above-
23 mentioned documents is granted.

24 Pursuant to these documents, Plaintiff's criminal action in 21CM-2856 has now resolved.
25 Accordingly, the stay of this action is lifted and Defendant shall file a responsive pleading to the
26 complaint.

27 Based on the foregoing, it is HEREBY ORDERED as follows:

28 1. Defendant's request for judicial notice, (ECF No. 23-1), is GRANTED;

2. The stay of this action, (ECF No. 20), is LIFTED;
3. Defendant Castillo shall file a response to Plaintiff's complaint within **twenty-one (21)** days from the date of service of this order.

IT IS SO ORDERED.

Dated: April 19, 2023

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE